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DOCKET NUMBER: NC13962 (9015.017)

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In re: U.S. Serial No. 09/454,124

Inventor: Jorma Antero Seppanen

Title: **Signal Quality Indicator Apparatus And Method Particularly Useful For Mobile Telephones**

Dear Sir:

Please find enclosed:

1. Appellant's Reply Brief (in triplicate, 4 pages);
2. Return post card.

Respectfully submitted,

Dated: October 12, 2004

By: 

Jack D. Stone, Jr.

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Attorney for Applicant

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jorma Antero Seppanen
For : SIGNAL QUALITY INDICATOR APPARATUS AND METHOD PARTICULARLY
USEFUL FOR MOBILE TELEPHONES
U.S. Serial No.: 09/454,124
Filed: December 3, 1999
Group Art Unit: 2684
Examiner: Sharma, Sujatha R.
Docket No.: NC13962 (9015.017)
Customer No.: 30973

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Jack D. Stone, Jr.

APPELLANT'S REPLY BRIEF

Dear Sir:

This reply brief is submitted in triplicate on behalf of Appellant for the application identified above, and is submitted in response to arguments set forth by Examiner Sharma in an Examiner's Answer dated August 11, 2004.

The Commissioner is hereby authorized to charge any fees which may be required pursuant to this Brief, or credit any overpayment, to Deposit Account No. 50-2032 of Scheef & Stone, L.L.P.

RESPONSE TO EXAMINERS ARGUMENTS

Group A

In responding Appellant's argument that neither *Coverdale* nor *Shah* teach, suggest, or render obvious an output indicative of the quality of the received signal in terms of their percentage of acceptable, as recited by Applicant in independent Claims 1, 6, and 13, the Examiner asserts that *it would have been obvious* to one of ordinary skill in the art at the time the invention was made to have modified *Coverdale* in view of *Shah* such that the signal quality indicated to the user in terms of an acceptable percentage *since the manner in which the signal quality is indicated lacks criticality* in view of the overall function of the invention (emphasis added). So according to the Examiner, *modifications are obvious if they are not critical*. It is, respectfully submitted that it is unclear exactly what the basis is for which the Examiner asserts such a rule.

Even if, for the sake of argument, such a rule is supported, the manner in which signal quality is indicated, i.e., in terms of an acceptable percentage rather than just whether a signal is weak or strong, *is* critical. By giving a user an indication that a signal is losing its strength, a user receives advance warning that he not only needs to make adjustments (e.g., move to a different physical position to improve antenna reception) to prevent losing a signal altogether, but also how much of an adjustment he needs to make and/or whether the situation is sufficiently serious to warrant making any adjustments. Alternatively, if a user receives no warning of waning signal strength until it reaches a single predetermined threshold, then it may be either too late to do anything about it, or the threshold may be such that the warning is void of any substantial meaning. In any case, a user does not have as many options for responding to a warning that is not based on percentages as he might with a warning that indicates percentages, as claimed by Appellant. This is analogous to a comparison between an automobile that includes an oil pressure gauge, and an automobile that only indicates if oil pressure has fallen below some predetermined level. If, in the latter case, the low pressure indicator is activated, it may be too late to do anything or to prevent engine damage, but in the case of the former, a user would have

ample time to plan how to resolve the dilemma before it is too late or before there is engine damage.

Third, even if, for the sake of argument, the aforementioned rule were supported and the manner of indicating signal quality were not critical, then, as Appellant pointed out in his brief, *but to which the Examiner did not directly respond*, *Coverdale* and *Shah* are directed to opposing purposes – *Coverdale* for indicating out of range, and *Shah* for compensating for signal degradation in a manner that is *transparent* to a user.

Fourth, inasmuch as *Shah* teaches compensating for signal degradation in a manner that is *transparent* to a user, *Shah teaches against* indicating any indication of signal strength to a user. Since a purpose of *Coverdale* is to indicate to a user whether user's mobile phone is out of range, if *Shah* were combined with *Coverdale*, then *Shah* would *destroy the functionality of Coverdale*.

Fifth, notwithstanding any of the foregoing arguments, and even if *Shah* could be combined with *Coverdale* to generate percentages of signal strength, there is *no means* disclosed in either *Coverdale* or *Shah* for indicating percentages of signal strength. As discussed above, *Shah* clearly provides no such means since it is transparent to a user, and *Coverdale* only provides an audible indication, i.e., noise, injected into the speaker of a mobile phone, which is not amenable to indicating percentages of signal strength.

Groups B, C, D, and E

Appellant's arguments for Groups **B-E** are similar to those set forth above with respect to **Group A**, and therefore, the responses and arguments discussed above with respect to **Group A** also hold for Groups **B-E**.

CONCLUSION

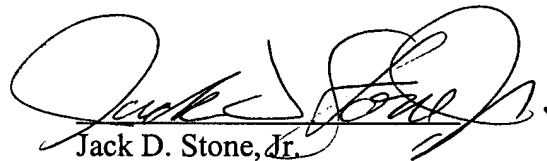
In view of the foregoing, it is apparent that none of the cited references, either singularly or in any combination, teach, suggest, or render obvious the unique combination of features recited in **Groups A-E**. It is therefore respectfully submitted that the claims clearly and

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Response to Examiner's Answer of August 11, 2003

precisely distinguish over the cited combinations of references in a patentable sense, and are therefore allowable over those references and the remaining references of record. Accordingly, it is respectfully submitted that the rejection of the claims under 35 U.S.C. § 103(a) is improper.

Appellant respectfully requests that the Board of Appeals reverse the decision of the Examiner in which all of the pending claims of the Application were rejected, so that the application may be passed to issue.

Respectfully submitted,


Jack D. Stone, Jr.
Reg. No. 38,324

Dated: October 12, 2004

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